**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.2305 OF 2005**

Jyoti Saigal .. Applicant

vs.

State of Maharashtra & Anr. .. Respondents.

Mr.Havnur for the Applicant.

Mr.Anil Lalla i/b. M/s. Lalla & Lalla for Respondent No.2.

Mr.A.S.Shitole for the Respondent.

**CORAM : V.M.KANADE, J.**

**DATED : 20th April, 2005.**

**P.C. :**

1. Heard learned Counsels for the Applicant and the Respondents. The Applicant is challenging the issuance of process by the Metropolitan Magistrate, 30th Court, Kurla, on the complaint filed under Section 138 of the Negotiable Instruments Act in Case No.49/S/1999 and in the alternative it is prayed that the complaint which is filed under Section 138 of N.I.Act be stayed till the filing of the report or the chargesheet by the Senior Inspector of Police, Chembur Police Station, in case No.18/Misc/2004 filed by the Applicant.

2. It appears that earlier application was filed by the Applicant being Criminal Application No.1703 of 2004 challenging the issuance of process which was rejected by order dated 25.2.2005 by this Court (Coram A.M.Khanwilkar, J.). Thereafter, the second petition is filed seeking more or less identical reliefs. It is not possible to accept the submissions made by the learned Counsel for the Applicant.

3. At this stage, the learned Counsel for the Applicant seeks permission to withdrawn this Criminal Application. Accordingly application is allowed to be withdrawn and is dismissed as withdrawn.

(V.M.Kanade, J.)